

June 30, 2003

Chief Justice Maura D. Corrigan
Justice Michael F. Cavanagh
Justice Elizabeth A. Weaver
Justice Marilyn Kelly
Justice Clifford W. Taylor
Justice Robert P. Young, Jr.
Justice Stephen J. Markman

Written Testimonial about Child Support Guidelines, File 2003-22

To all Michigan Justices:

I first want to thank everyone involved allowing this testimonial being heard/read. I know there is a lot at stake with changing the current child support system, and changing the current way things are done in Family Law. I will say here and now, today is a new day, one of equal rights to all, which requires equal responsibility from all. Which is to mean that if a parent takes on the responsibility to remove or deny the other parent joint physical custody with shared economic responsibility then that parent should certainly be more economically responsible. The courts and legal system also must start holding the custodial parent more responsible economically as well.

Child Custody began with the children being the property of the Father after a divorce. This was the way for several thousand years. Our current system is based from the social services act of the 1940's, both periods are of a time when the man was the "Bread Winner" parent and the woman was the "Stay at Home" parent. Like I stated above, times have changed. Both parents work, and have equal rights in the work place. Yes, studies have shown that women do take less paying jobs than men, but that is their choice. What full physical custodial parents must realize, is that today having a job that does not pay them enough to support themselves and their children is irresponsible on their part. This is true especially if they deceived the courts to remove the other parent or used the law to force the other parent out of the home, or simply moved themselves and the child (ren) from the other parent and then filed for divorce.

I understand everyone's concerns that no one wants these children of divorces to starve, neither do I. Even in the mid 1960's my mother divorced my biological father and demanded that he not be forced to pay any child support, much to the dismay of her lawyer. My biological father also had no rights to being a part of my life either, but my mother was a responsible enough parent to find a man who she could live with and who could support her. My stepfather and mother raised two and myself half siblings. Needless to say we certainly didn't have all the toys or the highest education that comes from a life of middle class to luxury, but we certainly never starved. My mother and custodial father to this day are still married. Yes, they have their differences, but they are still together.

I've listened to women who demand that they be paid money for child support. I've heard them on talk shows, both radio and TV. I've heard them in courtrooms and private conversations at gatherings of all types. I've noticed that the women who complain the most are simply using the child support system as a means to cause hurt, pain, and suffering to the non-custodial parent. It's not like they don't make the money or have the capacity to make enough money, or find a partner in life to help get through life. They simply complain for the attention, for the sake of seeing their ex-partner suffer both emotionally and financially.

From these same sources I've heard other women make it very clear that they have an amicable divorce with their ex-husbands. They seem to think it's great that they don't collect any child support, or in most cases very little support, my guess is less than 5% of the non-custodial parent's income. The support they ask for is physical in nature not financial.

It is interesting to see a woman who chooses to be financially unsupported refer to the woman who demands financial support as being lazy, the same way a judge or our society calls men lazy who don't financially support their ex-wives supposedly in the name of the children. Yet I keep hearing about how the federal government pays tax revenues to the states and those payments are dependant on how much child support is collected. The more support money they collect, the more revenue each state receives. Imagine how much history and fame a state could muster up for itself if those tax revenues were based on some sort of product development, product manufactured, or some other type of basis relating to production or living benefit for all. Instead, those same taxes are based this way instead of on collecting welfare monies from parents who have been removed from the home by the state.

From all of this the following occurs to me:

Involuntary Servitude: The condition of one who is compelled by force, coercion, or imprisonment, and against his will, to labor for another, whether he is paid or not. Black's Law 6th edition.

Is child support such a condition as involuntary Servitude?

Peonage: A condition of servitude compelling persons to labor in order to pay off a debt.

Is jailing someone based on owing a child support debt not a violation of the 13th Amendment? I understand that if the debt is related to a crime then it is ok to jail someone for owing a debt. I must also remind everyone who reads this that putting

someone in jail for not paying for something that was taken away from him or her, makes that person the victim of a crime not the criminal.

My reason for feeling this way is:

A. Due to involuntary alienation. Child Support payments are compulsory payments. Being expected to pay monies for a child that was removed from my presence (from the home) that I also did no criminal act against (did not abuse child). This removal significantly reduces my rights (if not eliminates them) to my child, so should my responsibilities also be significantly reduced (or terminated). I should not be coerced through some law that dictates I follow a chart or method of calculation based on some formula put into place by state. See B. below.

B. I am laboring for the state, and custodial parent. The state is paid moneys from the federal government based on a formula that is either completely or partially dependent on how much child support moneys are collected from alienated parents, AKA non-custodial parents.

This creates a conflict of interest in the entire child support system, since the justice system defines and controls how divorces will be terminated. So, as the justice system parts a marriage giving physical custody of the child (ren) to one parent helping that parent alienate the child (ren) from the other parent (non-custodial parent). Then the state has no right to force or coerce, through the threats of any kind, a non-custodial parent to pay any amount. As the custodial parent removed the child (ren) from the non-custodial parent, then so shall a non-custodial parent not be forced or coerced into making payments to either the state or custodial parent.

The 13th Amendment does state that peonage is allowable when a person is being convicted of a crime. Which here in the state of Michigan the defendant of a Family Law is presumed guilty of a crime. But shouldn't/doesn't those crimes have to be listed in the divorce paperwork clearly and plainly.

I also will add that my current (3rd) wife also does not collect nor want to collect child support from her ex-husband (1st) the same as my mother choose not to. And my current wife has three children from her previous marriage, of which I know better than my own daughter who has been moved away from me more then once to date.

In conclusion, all I can simply ask is when can we the non-custodial parents use our finical resources or any resource we have to provide for our children the way we want and not the way the custodial parent demands?

Signed

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